

## Remarks

In the present response, two claims (18, 28) are amended. Claims 1-29 are presented for examination. In light of the amendments and remarks, Applicants make a sincere effort to place this application in condition for allowance.

### I. Claim Rejections: 35 USC § 112

Claim 18 is rejected under 35 USC § 112, second paragraph, as lacking antecedent basis for “said gear rack on said carriage” in line 4. Claim 18 is amended to depend from claim 17.

Applicants respectfully request withdrawal of this rejection.

### II. Claim Rejections: 35 USC § 102(b)

Claim 28 is rejected under 35 USC § 102(b) as being anticipated by USPN 4,812,629 (O’Neil). Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since O’Neil neither teaches nor suggests each element in the claims, these claims are allowable over O’Neil.

Claim 28 recites numerous recitations that are not taught or even suggested in O’Neil. By way of example, claim 28 recites that the transfer shaft rotates for moving said carriage along said at least one guide track through said first displacement path. Claim 28 further recites that the picker moves on said transfer shaft through said second displacement path in such a manner that said transfer shaft rotates without causing said picker to rotate. Nowhere does O’Neil teach these recitations.

The Office Action cites element (46) as being the claimed “transfer shaft.” As shown best in Figs. 1 and 5A of O’Neil, rod (46) does **not** rotate. Instead, rods 42 and 46 have geared racks for engaging pinions on motors 40 and 44 (see O’Neil at 4: 13-17). O’Neil expressly teaches that rod (46) does not rotate but is fixed:

One end of horizontally extending rod 46 is fixed to T-shaped sliding bearing member 54 which allows horizontally extending rod 46 to slide along second vertically extending rod 50. The other end of horizontally extending rod 46 is attached to a second sliding member 56 which is also attached to and serves a mount for the vertically running motor 40. (See O'Neil at 4: 22-28).

Clearly, O'Neil teaches that rod (46) does not rotate, but is affixed at both ends. By contrast, claim 28 recites that the transfer shaft rotates without causing said picker to rotate.

For at least these reasons, independent claim 28 and its dependent claim are allowable over O'Neil.

### **III. Allowable Subject Matter**

Applicants thank the Examiner for allowing claims in this application. With the amendments to claims 18 and 28, Applicants make a sincere effort to place this application in condition for allowance.

### **CONCLUSION**

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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